

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEVE S. JABAR

Plaintiff,

v.

17-cv-276-JLS-LGF

U.S. DEPARTMENT OF HOMELAND
SECURITY TRANSPORTATION
SECURITY ADMINISTRATION,

Defendant.



DECISION AND ORDER

On March 29, 2017, Plaintiff Steve S. Jabar commenced this action alleging that Defendant, the United States Department of Homeland Security, Transportation Security Administration, withheld agency records in violation of the Freedom of Information Act. Dkt. 1. On November 17, 2017, this Court¹ referred this case to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 7.

On September 27, 2018, Defendant moved for an order “granting defendant summary judgment and dismissing plaintiff’s complaint in its entirety with prejudice.” *See* Dkt. 13 at 1, *see also* Dkts. 14-17. On December 20, 2018, Plaintiff moved for summary judgment. Dkts. 22, 23. On June 18, 2020, Judge Foschio issued a Report and Recommendation recommending that the Court grant

¹ Judge Vilardo was originally assigned to this case and made the referral to Magistrate Judge Foschio. On February 14, 2020, this case was reassigned to the undersigned. Dkt. 31.

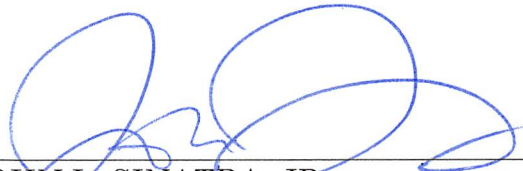
Defendant's motion, deny Plaintiff's motion, and close the case. The parties did not object to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

On this record, the Court accepts Judge Foschio's recommendation. As such, Plaintiff's motion for summary judgment (Dkt. 22) is DENIED. Defendant's motion for an order "granting defendant summary judgment and dismissing plaintiff's complaint in its entirety with prejudice" (Dkt. 13) is GRANTED. The Complaint (Dkt. 1) is dismissed. The Clerk of the Court shall close the file.

SO ORDERED.

Dated: July 21, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE